

February 25, 1994 LB 642

electrical system and so on. You're still going to have, if there's fraud actions out there you're still going to have that where they withheld information from you and you can use that disclosure statement, say, hey look, they knew, they even swore that...they gave a wrongful statement here, and you can use that in your disclosure statement in assistance in your fraud suit, but you still have those other four year remedies. So what this is, if it's outside the one year, you're still going to have all your other contract rights and your implied warranty. If it's within the year, it's just easier because you've got this to do right away.

SENATOR WESELY: Well, I appreciate that explanation. I'd just like to make it easier for two years instead of one year. So I'm going to continue to oppose the amendment, but I understand a little better your argument.

PRESIDENT ROBAK: Thank you, Senator Wesely. Senator Schellpeper, do you wish to close on your amendment.

SENATOR SCHELLPEPER: Yes, thank you, Madam President and members. I think with this latest dialogue between Senator Kristensen and Senator Wesely you can see that I don't think this is any major thing, but yet I think it's something for the individual that's selling it, it may help a little bit. And the actual person that buys it, it isn't going to take away any of his rights either because he still has that four year. So I would move for the amendment on page 6, line 16, strike "two years" and insert "one year". Thank you.

PRESIDENT ROBAK: Thank you, Senator. The question before the body is the adoption of the Schellpeper amendment to LB 642. All those in favor vote aye, all those opposed vote nay. Have you all voted? Please record.

CLERK: 25 ayes, 7 nays, Madam President, on the adoption of the Select File amendment.

PRESIDENT ROBAK: The amendment is adopted. We return now to a motion to advance the bill to Final Reading. Senator Schellpeper.

SENATOR SCHELLPEPER: Yes, thank you, Madam President and members. I would move to readvance LB 642 to Final Reading. Thank you.